

Item No. 7.	Classification: Open	Date: 4 October 2011	Meeting Name: Camberwell Community Council
Report title:	Planning enforcement performance for period 1 April 2011 to 31 August 2011		
Ward(s) or groups affected:	Camberwell Green, Brunswick & South Camberwell		
From:	Head of Development Management		

RECOMMENDATION

- 1 That the report be noted.

BACKGROUND INFORMATION

- 2 This report monitors the planning enforcement and planning enforcement appeal activity and performance within the Camberwell Community Council area.
- 3 Performance on the timeliness of planning enforcement investigations is measured against borough-wide targets.
- 4 The local performance target for planning enforcement investigations is for in 80% of cases a decision to be made within 8 weeks of the start date for the investigation as to whether or not there has been a breach of planning control.

KEY ISSUES FOR CONSIDERATION

Planning enforcement performance

- 5 New investigations: During the period 33 new investigations were started. Of these 14 related to South Camberwell and 11 to Brunswick Park and 8 to Camberwell Green Ward (see table Appendix 1).
- 6 Decided investigations: Decided investigations are those where a decision has been made that either:
 - there was a breach of planning control, and formal enforcement action was required, or
 - there was a breach of planning control, but it was not expedient to take formal enforcement action, or
 - there was a breach of planning control but the breach has since ceased or been regularised, or
 - there was a breach of planning control but it was now immune from formal enforcement action, or
 - there was not a breach of planning control.

- 7 Of these decided investigations the decision was that in 12 (42%) of investigations there was no breach of planning control and in 8 (29%) the breach ceased as a result of the intervention of the council. In a further 2 (7%) cases the breach was immune from enforcement action and in one case enforcement action was not considered expedient (see Appendix 2).
- 8 28 investigations which were decided, 18 (64%) were decided within the eight week target (see Appendix 3 for comparative data with other Community Council areas).

Formal enforcement action

- 9 S215 Amenity notice issued on 1 July 2011 at **44 Grove Park** requiring the owner to remove the brickwork enclosing the front window to the dwelling house and reinstate the window opening with a timber sash window to match the existing windows on the property. The notice took effect on 4 August 2011 with a 3 months compliance period.

8-14 Cottage Green – Prosecution proceedings considered following non compliance with enforcement notice. The notice was issued following the unauthorised conversion of the premises from four live/work units into eight residential flats without planning permission. The Notice requires the ground floor units to be returned to work units integral to the residential development in the upper floors in accordance with approved plans under planning reference 0000330. The site has recently been cleared up.

4A Grove Lane – Unauthorised timber hoarding reduced to 1m in compliance with the enforcement notice issued on this site. Planning permission and conservation area consent recently granted for the demolition of the existing buildings on site and the erection of a part 2, part 3 and part 4 storey building to provide a retail shop (A1 Class use) on part of the ground floor and a two bedroom residential unit on part ground and upper floors with terrace at second floor level.

286-292 Camberwell Road – x3 planning enforcement notices issued on 9 August 2011 against the unauthorised change of use of this former retail unit (cash convertors) into a place of worship by 3 churches. Appeals have been lodged against the notices.

14 Coleman Road – Planning enforcement notice issued following the conversion of the upper floors of the St. Georges Tavern into 10 unauthorised studio flats/bedsits complied with in part. Notice upheld on appeal. There are current proposals to the conversion of 5 (No) Unlawful Sub Standard Units (expressed as flats 2,3,4,8 and 9 in the amended decision 11 May 2010) to 3 (No) self-contained residential units, pursuant to the Inspector's decision APP/A5840/C/09/2107292 11 May 2010.

10 Maude Road – A current enforcement notice requires the removal of the unauthorised rear extension at lower ground level. Planning application 11-AP-1703 seeking retrospective planning permission to retain the single storey rear extension to lower ground floor flat at the above was refused on 13 September 2011. It appears that an appeal has now been lodged against the refusal. Further enforcement action, in this case direct action, has now been held in abeyance pending determination of the appeal.

51 Vestry Road – Current enforcement notice following the unauthorised conversion of property into 5 self contained units. Management company has served eviction notices on current tenants to comply with the notice.

Land adjacent to 25 Grove Park – A scheme for the planting of 14 replacement trees secured following the unauthorised removal of 4 trees from the site.

Former Bingo Hall at 262- 274 Camberwell Road – Current enforcement notice in place against the unauthorised use of the former Bingo Hall as a place of worship. A new application soon to be submitted seeking to overcome the reasons for refusal of the previous scheme. Officers continue to monitor the site to assess the impact of the unauthorised use.

132 Elmington Road – Untidy land. Instructions sent to legal service to issue an s215 notice. Still attempting to trace the owners of the land.

Summary of planning enforcement performance

- 10 There are 72 outstanding enforcement cases. 40 (56%) of these cases are in Camberwell Green area, 26 (36%) in Brunswick Quay and the remainder in South Camberwell. The priority going ahead is to progress the formal enforcement action and to reduce the number of outstanding cases.
- 11 One planning enforcement appeal decision was received in respect of the Community Council area during the period. This was on the former Gala Bingo and the planning inspector's decision was to dismiss the appeal and uphold the enforcement notice on highway safety and parking grounds.

Community impact statement

- 12 The content of this report monitoring development management performance is judged to have no or a very small impact on local people and communities. However, poor performance can have an adverse effect on all individuals, businesses and other organisations within the community who submit planning applications and who do not get a decision within a reasonable period.

Consultations

- 13 No consultation has been carried out in respect of the contents of this report which is solely for the purpose of advising on the performance of the Development Management service in the determination of planning applications and planning appeals.

Human rights implications

- 14 This report does not engage human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 15 Any rights potentially engaged by this report are not considered to be unlawfully interfered with.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Planning application performance statistics	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1P 5LX	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Enforcement investigations received
Appendix 2	Enforcement investigations closed
Appendix 3	Enforcement investigations performance

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Phil Chambers, Group Manager, Project Management	
Version	Final	
Dated	23 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team		26 September 2011

APPENDIX 1

Enforcement Investigations received between 1 April 2011 and 31 August 2011

Totals by Ward

	2011	Total
Brunswick Park	11	11
Chaucer	8	8
South Camberwell	14	

Totals by Community Council

	2011	Total
Camberwell	33	33
Total	33	33

APPENDIX 2

Enforcement Investigations closed between 01/04/2011 and 31/08/2011

Summary totals by Ward

	BC	BI	NE	NB	Other	Total
Brunswick Park	2	1	0	6	1	10
Camberwell Green	3	1	0	1	2	7
South Camberwell	3	0	1	5	2	11

Summary totals by Community Council

	BC	BI	NE	NB	Other	Total
Camberwell	8	2	1	12	5	28
Total	8	2	1	12	5	28

APPENDIX 3

Enforcement investigations performance in the period 01/04/2011 to 31/08/2011

Community Council	Total	Total in target	% in target
Bermondsey	38	22	58
Borough and Bankside	28	17	61
Camberwell	28	18	64
Dulwich	25	16	64
Nunhead and Peckham Rye	33	21	64
Peckham	6	3	50
Rotherhithe	9	7	78
Walworth	28	14	50
Grand totals	195	118	60.51

